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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

Kush, Inc., a Nevada corporation,

Plaintiff,

v.

Frank Van Vranken, Jr., an individual;
DOES I-X, inclusive, and ROE
Corporations I-X, inclusive,

Defendants.

Case No. 2:20-cv-00649-JCM-DJA

**SECOND STIPULATED MOTION
TO CONTINUE DEADLINES
IN DISCOVERY PLAN AND
SCHEDULING ORDER**

(Assigned to the Honorable
James C. Mahan)

Defendant Frank Van Vranken, Jr. (“Defendant”), by and through undersigned counsel, and Plaintiff Kush, Inc. (“Plaintiff”), by and through undersigned counsel, hereby submit their second stipulated motion to continue the upcoming deadlines contained in the parties’ Stipulated Discovery Plan and Scheduling Order, specifically the following: (a) discovery cut-off date, currently set for March 9, 2021; (b) dispositive motions, currently set

1 for April 8, 2021; and (c) pretrial order and Fed. R. Civ. P. 26(a)(3) disclosures, currently set
2 for May 10, 2021.

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4 This request is submitted in good faith and not for the purpose of delay. Although the
5 parties have worked diligently to move this case forward, the current procedural posture of
6 this case necessitates continuation of the foregoing deadlines. Plaintiff and Defendant's
7 father, Frank Van Vranken, Sr., are currently involved in related litigation pending before
8 Judge Andrew P. Gordon. *See Kush, Inc. v. Frank Van Vranken, Sr.*, Case No. 2:20-cv-
9 00647-APG-NJK.¹ Mr. Van Vranken, Sr. filed a motion to consolidate the case pending
10 before Judge Gordon with the present case on October 8, 2020, which has been fully briefed
11 since October 29, 2020. Defendant consents to consolidation and filed a Notice of Motion to
12 Consolidate Cases (ECF No. 34) on October 8, 2020. While opposing the motion to
13 consolidate, Plaintiff recognizes that a ruling is needed so that the parties can meaningfully
14 plan for discovery, depositions, dispositive motions, and the later trial. If the cases are
15 consolidated, the parties would endeavor to bring both cases to the same procedural point to
16 avoid the need, for example, to depose the same witnesses or conduct a mediation/settlement
17 conference on different dates. The parties in the case pending before Judge Gordon are
18 awaiting rulings on Defendant's Partial Motion to Dismiss, Plaintiff's Motion for
19 Declaratory Relief, and the aforementioned Motion to Consolidate.

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21 In light of the foregoing, the parties do not believe it is possible to meet the upcoming
22 deadlines. Simply put, the parties are unable to meaningfully propound discovery requests,
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28 ¹ An identical stipulated motion has been contemporaneously filed in this case pending
before Judge Gordon.

1 depose witnesses, draft and file dispositive motions, or otherwise prepare for trial without
2 knowing all of the facts, claims, and legal issues relevant thereto. Accordingly, the parties
3 respectfully request a 90-day continuance of each of the deadlines set forth above. If granted,
4 the parties will revisit this issue in advance of the continued deadlines to assess the current
5 status of the case and whether a further continuance is necessary.
6

7 The parties specifically stipulate that:

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9 1. The discovery cut-off date, presently set for March 9, 2021, shall be continued
10 to June 9, 2021;

11 2. The deadline to file dispositive motions, presently set for April 8, 2021, shall
12 be continued to July 8, 2021; and
13

14 3. The deadlines to file a joint pretrial order and make Fed. R. Civ. P. 26(a)(3)
15 disclosures, presently set for May 10, 2021, shall be continued to August 10, 2021.
16

17 **IT IS SO ORDERED.**

18 DATED: February 5, 2021

19 
20 _____
21 DANIEL J. ALBREGTS
22 UNITED STATES MAGISTRATE JUDGE

23 RESPECTFULLY SUBMITTED this 3rd day of February, 2021.

24 **CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP**

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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2021, I electronically transmitted the foregoing Second Stipulated Motion to Continue Deadlines in Discovery Plan and Scheduling Order using the CM/ECF System for filing, and that I transmitted a Notice of Electronic Filing to the following CM/ECF registrants:

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